

**REMARKS**

Claims 1-15 and 17-20 are pending in this application. Claims 1, 4, 8, 15, 17, and 20 are independent claims. Claims 1, 4, 15, 17, and 20 are amended. Claim 16 is canceled. No claims are withdrawn. In light of the above amendments and below remarks, favorable reconsideration and allowance of the present application are respectfully requested.

Initially, Applicants appreciate the Examiner's acknowledgment that all certified copies pertaining to foreign priority claimed under 35 U.S.C. §119 have been received and the acceptance of the formal drawings filed on June 2, 2005.

**Information Disclosure Statement**

Applicants appreciate the Examiner's consideration of the references submitted in the Information Disclosure Statement filed on June 2, 2005 have been considered, with the exception of the Japanese patent documents. Applicants have enclosed copies of the Japanese patent documents and respectfully request that these documents be placed of record in the file. Please note WO 00/05566 is submitted as an English counterpart to JP 2002-521658.

**Rejections under 35 U.S.C. §112**

Claim 17 stands rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants have amended claim 17 as shown above, and respectfully request that the rejection be withdrawn.

**Rejections under 35 U.S.C. §102 - BOHMER**

Claims 1 and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,702,598 ("Bohmer").

Applicants respectfully submit that the amendments to claim 1 render this reject this rejection moot, and direct the Examiner's attention to the discussion below.

**Rejections Under 35 U.S.C. § 103 – BOHMER**

Claims 2, 3, 7, 11 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,702,598 ("Bohmer"). This rejection is respectfully traversed.

Applicants respectfully submit that the amendments to claim 1 render this reject this rejection moot, and direct the Examiner's attention to the discussion below.

**Rejections Under 35 U.S.C. § 103 – BOHMER in view of HIDEYUKI**

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Bohmer* in view of Japanese Patent Document No. JP 01-12961 ("*Hideyuki*"). This rejection is respectfully traversed.

Applicants submit that, even if *Hideyuki* could be combined with *Bohmer* (which Applicants do not admit), nothing in *Hideyuki* cures the deficiencies of *Bohmer* regarding claim 1 as discussed below, and therefore, Applicants respectfully request that the rejection of claim 13 be withdrawn, at least by virtue of its dependency upon claim 1.

**Rejections Under 35 U.S.C. § 103 – BOHMER in view of VAN DEN ENGH**

Claims 16, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Bohmer* in view of U.S. Patent No. 6,133,044 ("Van den Engh"). This rejection is respectfully traversed.

*Van den Engh* allegedly teaches in FIG. 3 a nozzle container 2 including a convergence zone 32, and a substance reservoir 8, a telescoping substance tube 37, a substance tube 33, and a substance introduction port

9. (*Van den Engh*, col. 4, lines 53-55 and col. 10, lines 25-64). According to *Van den Engh*:

As shown in FIG. 3, the present invention affords the ability to vary the rate at which substance is introduced without disrupting laminar flow and the like. This is achieved through positioning substance introduction port (9) within convergence zone (32) as may be easily understood and by varying the location of substance introduction port (9) within convergence zone (32). As shown, substance introduction port (9) may move along the primary flow direction to maintain an optimal relationship to the flow of the sheath fluid. Through this technique, the relative concentrations of the substance introduced and the sheath fluid can be varied. (*Van den Engh*, col. 10, lines 10-24) (emphasis added).

*Van den Engh* allegedly further teaches that the location adjuster (shown in FIG. 3 as movement mechanism 35) may also include some type of screw means 36, that is, some type of device which allows relatively continuous movement with fine adjustment. The location adjuster is said to further include telescoping substance tube (37) (shown in FIG. 3 as potentially a redundant location adjuster illustrative purposes only). (*Van den Engh*, col. 10, lines 59-66).

Applicant submit that, because *Van den Engh* allegedly only teaches the movement of the substance port 9 along the primary flow direction by the movement mechanism 35, nothing in *Van den Engh* or *Bohmer* can anticipate “a mechanism for adjusting at least one of a position and an angle of a suspension-fluid outlet of the suspension-fluid tube” as recited by the amended claim 1.

For at least these reasons, Applicants respectfully request that the rejection of claim 1 be withdrawn, and further request that the rejections of claims 2, 3, 7, 11, 12, 14, 16, 18, and 19 also be withdrawn, at least by virtue of their dependency upon claim 1.

**Allowable Subject Matter**

Applicants appreciate the Examiner's allowance of claims 8-10. Applicants note with appreciation the Examiner's indication that claims 4-6, 15, 17 and 20 contain allowable subject matter but have been rejected for dependency upon a rejected base claims. Applicants submit that claims 4, 15, 17, and 20 have been rewritten in independent form, and accordingly request that the objections be withdrawn.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, Reg. No. 34,313 at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNESS, DICKEY, & PIERCE, P.L.C.

By \_\_\_\_\_



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